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DATE MAILED: 06/17/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	. ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,793	12/21/2001	Kazuyoshi Sotoyama	427-53 1922	
75	90 06/17/2003			
Nixon & Vanderhye 8th Floor 1100 North Glebe Road			EXAMINER	
			WONG, LESLIE A	
Arlington, VA	22201-4714		ART UNIT PAPER NUMBI	
•			1761	TATER HOMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summany	10/018,793	SOTOYAMA ET AL.				
Office Action Summary	Examin r	Art Unit				
The MAILING DATE of this communication	Leslie Wong	1761				
The MAILING DATE of this communication appears on the cover sheet with the correspond nce address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1) Responsive to communication(s) filed on	·					
2a)☐ This action is FINAL . 2b)⊠ Thi	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) <u>1-6</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrav	vn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) <u>1-6</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents	have been received in Application	on No				
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 +	5) Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152)				

Application/Control Number: 10/018,793

Art Unit: 1761

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP9154485, JP9103242, or JP58198248.

JP9154485, JP9103242, and JP58198248 all teach a processed cheese-like food that is heated and emulsified at an upper limit temperature of about 120°C (see corresponding abstracts).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP9154485 or JP9103242.

JP9154485 and JP9103242 disclose a processed cheese-like food that is heated and emulsified at an upper limit temperature of about 120°C and then cooled (see corresponding abstracts).

The claims differ as to the specific cooling conditions.

In the absence of a showing to the contrary, the cooling conditions are no more than that required for a quick cool after heat treatment, where selection of cooling conditions is well-within the skill of the art.

Application/Control Number: 10/018,793

Art Unit: 1761

It would have been obvious to a person of ordinary skill in the art, at the time the

Page 3

invention was made, to use the claimed cooling conditions in that of either JP9154485

or JP9103242 because a quick cool after heat treatment is conventional and well known

in the art.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Leslie Wong whose telephone number is 703-308-1979.

The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9310 for

regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

0661.

Leslie Wong

Primary Examiner

Art Unit 1761

LAW June 13, 2003